

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Polson School District No. 23 (district) enters into this agreement to resolve the allegation in a complaint (Reference No. 10171201) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

II. RESOLUTION PROVISIONS

1. By February 22, 2019, after providing proper written notice to the parents of the student at issue in OCR Reference No. 10171201, the district will convene a team of persons knowledgeable about the student to determine whether the district's failure to timely evaluate the student during the 2016-2017 school year resulted in an adverse impact to the student's education and, if so, determine whether the student needs compensatory and/or remedial services as a result of the failure to timely evaluate the student. If the district determines that compensatory and/or remedial services are necessary, within one week of its determination, the team will develop a plan to timely provide compensatory and/or remedial services. The district will provide the student's parents notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement: Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the district will submit to OCR, for its review and approval, documents supporting the team's decision. The documentation submitted shall include the names and position titles of the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services, if any, to the student. OCR will, prior to approving the district's decision and plan for providing the proposed services, review the documentation to ensure that the district met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

2. Within 30 days of receiving OCR's written approval of the district's decision and plan, if a determination was made that compensatory and/or remedial services were needed, the district will implement the plan as approved by OCR and provide the compensatory education services outlined therein to the student.

Reporting Requirement: Within 120 days of receiving OCR’s written approval of the district’s decision and plan, the district will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the names(s) of the service providers.

III. GENERAL PROVISIONS

1. The district understands that by signing this agreement, it agrees to provide to OCR data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the district understands that during the monitoring of this agreement, if necessary, OCR may visit the district to interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the district has fulfilled the terms of this agreement. Upon the district’s satisfaction of the commitments made under the agreement, OCR will close the case.
2. The district understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this agreement and/or Section 504 and Title II pursuant to OCR’s enforcement regulations at 34 C.F.R. §§ 100.9 and 100.10. Before initiating such proceedings, OCR will give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

Rex M. Weltz
Superintendent
Polson School District No. 23

January 21, 2019

Date